

2007 DRAFTING REQUEST

Bill

Received: **08/07/2007**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Legislative Council - JLC**

By/Representing: **Scott Grosz**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - driver licenses**

Extra Copies: **BAB**

Submit via email: **YES**

Requester's email: **Scott.Grosz@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Occupational licenses

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/P1	agary 08/23/2007	jdyer 08/27/2007	pgreensl 08/27/2007	_____	lparisi 08/27/2007		State
/1	agary 11/28/2007	jdyer 11/29/2007	jfrantze 11/29/2007	_____	cduerst 11/29/2007	cduerst 12/13/2007	

FE Sent For: **"1" @ intro. 1-11-08**

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/P1	agary 08/23/2007	jdye 08/27/2007	pgreensl 08/27/2007	11/29 P8	lparisi 08/27/2007		

FE Sent For:

<END>

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/?	agary						
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PI 8/27 JW

8/27
PY

8/27
18/M

FE Sent For:

<END>

Gary, Aaron

From: Gary, Aaron
Sent: Tuesday, August 21, 2007 2:48 PM
To: Grosz, Scott
Subject: RE: Leg. Council Study Committee bill draft

Hi Scott,

Sorry it's taken a little longer than I expected to get to this, but I am finally working on it.

After reading the notes and text of the LC draft, I'm not quite sure of the intent here, so I want to make sure I get that right.

Under current law, a person who is engaged in an occupation or trade in which it is essential that the person drive can apply for an occupational license. The occupational license is basically issued so that the person can get to and from work, and the restrictions in the license can specify the route or area allowed to get to and from work. If the person has demonstrated the requisite work-related need for the occupational license and accordingly obtains the license, the license can also allow the person to travel to and from church.

I'm uncertain as to which of the following changes is desired in this bill:

1. The only statutory text is similar to the "church" provision, which suggests a minor change allowing a person who is otherwise qualified for an occupational license to also travel with respect to a placement order (not just to and from work).

2. The prefatory note suggests a fairly dramatic change to the occupational license system, allowing a person to be issued an occupational license for purposes related to placement orders regardless of work-related need. (This change would require amendment of various provisions in addition to s. 343.10 (5) (a) 1.)

Can you tell me whether 1. or 2. is the intent here?

Also, I would prefer to use your prefatory notes in lieu of an analysis if that is OK with you. As I recall the procedure, after I finish a preliminary draft of the bill and provide it to you, you finalize your prefatory notes and provide them to me - the LRB then incorporates those notes into the draft. I then send another version back to you and you proof it to make sure it looks OK. Does that sound right to you?

Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

tlc w/ Scott - 8/21
6-1307

• option 2

• pref note → yes, fine

From: Grosz, Scott
Sent: Tuesday, August 07, 2007 1:53 PM
To: Gary, Aaron
Cc: Rose, Laura; Sappenfield, Anne
Subject: Leg. Council Study Committee bill draft

Aaron,

I staff the Leg. Council Special Committee on Strengthening Wisconsin Families. The committee recently voted to recommend a draft, WLC: 0143/1, relating to permissive operating privileges of occupational licenses. The draft may be viewed at:

<http://www.legis.state.wi.us/lc/committees/study/2006/SFAM/files/01431.pdf>

As part of its recommendation, the committee made several modifications to WLC: 0143/1. The committee voted to amend s. 343.10, Stats., to replace "church" with a neutral phrase such as "the premises of a faith community" or a similar phrase that is typically used by the LRB. The committee also voted to amend s. 343.10, Stats., to allow up to 12 hours per week, in addition to the current day and week limitations, in order to carry out travel necessary to comply with a physical placement order.

Our committee chair will present the committee's findings to the Leg. Council sometime in September. Generally, when time permits, it is our goal to work with LRB to prepare the draft as an LRB draft in anticipation of that presentation.

Let me know if you have any questions or if it would be more appropriate to talk to someone else in your office.

Thanks,

Scott

Scott Grosz
Staff Attorney
Wisconsin Legislative Council
ph. (608) 266-1307

Gary, Aaron

From: Grosz, Scott
Sent: Tuesday, August 07, 2007 4:12 PM
To: Gary, Aaron
Subject: RE: Leg. Council Study Committee bill draft

Aaron,

Yes, the "JLC" request should be fine.

Thanks for your help,

Scott

From: Gary, Aaron
Sent: Tuesday, August 07, 2007 1:59 PM
To: Grosz, Scott
Cc: Rose, Laura; Sappenfield, Anne
Subject: RE: Leg. Council Study Committee bill draft

Thanks Scott. I have entered this as LRB-3042 and should be able to get to it fairly soon. It's entered as a Leg Council "JLC" request. Is that okay? Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Grosz, Scott
Sent: Tuesday, August 07, 2007 1:53 PM
To: Gary, Aaron
Cc: Rose, Laura; Sappenfield, Anne
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Our committee chair will present the committee's findings to the Leg. Council sometime in September. Generally, when time permits, it is our goal to work with LRB to prepare the draft as an LRB draft in anticipation of that presentation.

Let me know if you have any questions or if it would be more appropriate to talk to someone else in your office.

Thanks,

Scott

1 **AN ACT** *to amend* 343.10 (5) (a) 1. of the statutes; **relating to:** permissive operating
2 privileges of occupational licenses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This draft was prepared for the joint legislative council's special committee on strengthening Wisconsin families.

Under current law, certain persons whose operating privilege has been suspended or revoked may be eligible for an occupational license under s. 343.10, stats. Generally, an applicant must describe their occupational motor vehicle needs in order to be granted an occupational license. For purposes of occupational licenses, an "occupation" includes homemaking and full-time or part-time study. However, certain restrictions accompany the issuance of an occupational license.

An occupational license must contain definite restrictions as to hours of the day, hours per week, and areas or routes of travel which are permitted under the license. The restrictions as to hours of the day are such that the license may not permit more than 12 hours of operation per day. The occupational license may not permit more than 60 hours of operation per week. The occupational license may permit travel to and from church and travel necessary to comply with a driver safety plan during specified hours of travel if the travel does not exceed the restrictions as to hours of the day and hours per week. Additional limitations of the occupational license relate to restrictions on the use of alcohol and controlled substances.

The bill draft authorizes the issuance of an occupational license that may permit travel necessary for a parent to comply with a physical placement order if the travel does not exceed the restrictions as to the hours of the day and hours per week.

3 **SECTION 1.** 343.10 (5) (a) 1. of the statutes is amended to read:
4 343.10 **(5)** (a) 1. In addition to any restrictions appearing on the former operator's
5 license of the applicant, the occupational license shall contain definite restrictions as to hours
6 of the day, not to exceed 12, hours per week, not to exceed 60, type of occupation and areas

1 or routes of travel which are permitted under the license. The occupational license may permit
2 travel to and from church during specified hours if the travel does not exceed the restrictions
3 as to hours of the day and hours per week in this subdivision. The occupational license may
4 permit travel necessary for a parent to comply with a physical placement order if the travel
5 does not exceed the restrictions as to hours of the day and hours per week in this subdivision.
6 The occupational license may permit travel necessary to comply with a driver safety plan
7 ordered under s. 343.30 (1q) or 343.305 if the travel does not exceed the restrictions as to hours
8 of the day and hours per week in this subdivision. The occupational license may contain
9 restrictions on the use of alcohol and of controlled substances and controlled substance
10 analogs in violation of s. 961.41.

11

(END)

Gary, Aaron

From: Grosz, Scott
Sent: Wednesday, August 22, 2007 5:17 PM
To: Gary, Aaron
Subject: RE: Leg. Council Study Committee bill draft

Aaron,

Sorry for the delay, I was left for a hearing just after we spoke. I suppose I am a bit confused by your question - isn't it inherent in s. 343.10 that motor vehicle travel must be necessary in order to qualify for the occupational license? If not, I suppose #2 would best evince the committee's intent... we can talk tomorrow or Friday if it needs further clarification.

Thanks,

Scott

From: Gary, Aaron
Sent: Wednesday, August 22, 2007 11:07 AM
To: Grosz, Scott
Subject: RE: Leg. Council Study Committee bill draft

Scott,

Sorry, one more question.

In formulating the language here, again I would take different drafting approaches depending on what your intent is.

1. I can more or less track the language of WLC: 0143/1 re: "travel necessary" without further specifics on how this travel is accomplished.
2. However, I would draft the language/placement differently if you want the draft to specify not only that travel is necessary but also that it is essential/necessary that this travel be accomplished by operating a motor vehicle.

Would you rather me proceed along the lines of 1. or 2.? Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
608.261.6926 (voice)
608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Gary, Aaron
Sent: Tuesday, August 21, 2007 2:48 PM
To: Grosz, Scott
Subject: RE: Leg. Council Study Committee bill draft

Hi Scott,

Sorry it's taken a little longer than I expected to get to this, but I am finally working on it.

After reading the notes and text of the LC draft, I'm not quite sure of the intent here, so I want to make sure I get that right.

Under current law, a person who is engaged in an occupation or trade in which it is essential that the person drive can apply for an occupational license. The occupational license is basically issued so that the person can get to and from work, and the restrictions in the license can specify the route or area allowed to get to and from work. If the person has demonstrated the requisite work-related need for the occupational license and accordingly obtains the license, the license can also allow the person to travel to and from church.

I'm uncertain as to which of the following changes is desired in this bill:

1. The only statutory text is similar to the "church" provision, which suggests a minor change allowing a person who is otherwise qualified for an occupational license to also travel with respect to a placement order (not just to and from work).
2. The prefatory note suggests a fairly dramatic change to the occupational license system, allowing a person to be issued an occupational license for purposes related to placement orders regardless of work-related need. (This change

500m
LPS-PWF please in 8/23

↑ jcd

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-Note

Gen

- 1 AN ACT ...; relating to: motor vehicle occupational licenses issued by the
2 Department of Transportation. ✓

Analysis by the Legislative Reference Bureau ✓

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill. ✓

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill. ✓

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

✓
JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Strengthening Wisconsin Families.

****NOTE: Text provided by LC will be inserted here to complete the JLC prefatory note.

3
4
SECTION 1. 343.10 (1) of the statutes is amended to read: (a) and (b) are

- 5 343.10 (1) APPLICATION FOR OCCUPATIONAL LICENSE (a) If a person's license or
6 operating privilege is revoked or suspended under this chapter or s. 767.73, 938.34
(14q), 943.21 (3m), or 961.50 and if the person is engaged in an occupation, including

1 homemaking or full-time or part-time study, or ~~a~~ trade making or is required to
2 travel to comply with a physical placement order under ch. 767 so that it is essential
3 that he or she operate a motor vehicle, the person, after payment of the fee provided
4 in sub. (6), may file an application with the department setting forth in detail the
5 need for operating a motor vehicle. No person may file more than one application
6 with respect to each revocation or suspension of the person's license or operating
7 privilege under this chapter or s. 767.73, 938.34 (14q), 943.21 (3m), or 961.50, except
8 that this limitation does not apply to an application to amend an occupational license
9 restriction.

10 (b) The application shall be in a form established by the department and shall
11 identify the specific motor vehicle that the applicant seeks authorization to operate,
12 including the vehicle classification and any required endorsements. The application
13 shall include an explanation of why operating the motor vehicle is essential to the
14 person's livelihood or to compliance with a physical placement order under ch. 767
15 and identify the person's occupation or trade or the relevant terms of the placement
16 order. The application shall identify the applicant's employer or the court issuing the
17 placement order, and include proof of financial responsibility as specified in s. 343.38

18 (1) (c) covering the vehicle or vehicles that the applicant requests authorization to
19 operate. The application shall identify the hours of operation and routes of travel
20 being requested by the applicant in accord with the restrictions of sub. (5).

History: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337;
1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237; 1999 a. 109; 2001 a. 16 ss. 3409f, 3409g, 4060hw, 4060hy;
2003 a. 33, 80, 200, 326; 2005 a. 443 s. 265.

21 **SECTION 2.** 343.10 (4) (b) of the statutes is amended to read:

22 343.10 (4) (b) If the court grants the petition, the court shall issue an order
23 authorizing the issuance of an occupational license to the person. The order for
24 issuance of an occupational license shall include definite restrictions as to hours of

1 the day, hours per week, type of occupation or relevant terms of a placement order.✓
2 and areas or routes of travel to be permitted under the license as provided in sub. (5).
3 A copy of the order shall be forwarded to the department. Upon receipt of the court
4 order, the petitioner shall be considered an applicant by the department for purposes
5 of this section. The occupational license issued by the department under this
6 paragraph shall contain the restrictions ordered by the court. If the court denies the
7 petition, the clerk of the court shall notify the department of the denial of the petition.

History: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (e); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337;
1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237; 1999 a. 109; 2001 a. 16 ss. 3409f, 3409g, 4060hw, 4060hy;
2003 a. 33, 80, 200, 326; 2005 a. 443 s. 265.

8 **SECTION 3.** 343.10 (5) (a) 1. of the statutes is amended to read:

9 343.10 (5) (a) 1. In addition to any restrictions appearing on the former
10 operator's license of the applicant, the occupational license shall contain definite
11 restrictions as to hours of the day, not to exceed 12, hours per week, not to exceed 60
12 except as provided in this subdivision.✓ type of occupation or relevant terms of a
13 placement order.✓ and areas or routes of travel which are permitted under the license.
14 The occupational license may permit travel to and from church or another place of
15 religious worship✓ during specified hours if the travel does not exceed the restrictions
16 as to hours of the day and hours per week in this subdivision. If a person is required
17 to travel to comply with a physical placement order, the occupational license may
18 permit such travel for not more than✓ 12 hours per week in addition to the maximum
19 of 60✓ hours per week otherwise applicable under this subdivision.✓ but such travel
20 may not exceed the restriction as to hours of the day specified in this subdivision.✓
21 The occupational license may permit travel necessary to comply with a driver safety
22 plan ordered under s. 343.30 (1q) or 343.305 if the travel does not exceed the
23 restrictions as to hours of the day and hours per week in this subdivision. The

1 occupational license may contain restrictions on the use of alcohol and of controlled
2 substances and controlled substance analogs in violation of s. 961.41.

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3 **SECTION 4.** 343.10 (7) (e) of the statutes is amended to read:

4 343.10 (7) (e) The occupational license issued by the department shall contain
5 the restrictions required by sub. (5). The occupational license authorizes the licensee
6 to operate a motor vehicle only when that operation is an essential part of the
7 licensee's occupation or trade or is essential to the licensee's compliance with a
8 physical placement order under ch. 767. If the department determines that the
9 applicant is eligible under sub. (2), the department may impose such conditions and
10 limitations upon the authorization to operate motor vehicles as in the secretary's
11 judgment are necessary in the interest of public safety and welfare, including
12 reexamination of the person's qualifications to operate a motor vehicle or a particular
13 type thereof. The department may limit such authorization to include, without
14 limitation, the operation of particular vehicles, particular kinds of operation and
15 particular traffic conditions.

History: 1973 c. 90, 218; 1975 c. 297; 1977 c. 29 s. 1654 (7) (a), (c); 1977 c. 193; 1979 c. 102, 316, 355; 1981 c. 20; 1983 a. 27, 525, 526; 1985 a. 32 s. 3; 1985 a. 71, 337; 1987 a. 3; 1989 a. 31, 38, 105, 359; 1991 a. 39, 269, 277; 1995 a. 113, 201, 269, 401, 436, 448; 1997 a. 35, 84, 237; 1999 a. 109; 2001 a. 16 ss. 3409f, 3409g, 4060hw, 4060hy; 2003 a. 33, 80, 200, 326; 2005 a. 443 s. 265.

16 **SECTION 5. Initial applicability.**

17 (1) This act first applies to applications for occupational licenses received by
18 the department of transportation on the effective date of this subsection.

19 **SECTION 6. Effective date.**

20 (1) This act takes effect on the first day of the 3rd month beginning after
21 publication.

22 (END)

D-Note

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3042/P1dn

ARG:.....

date

Jld

ATTN: Scott Grosz

Please review the attached draft carefully to ensure that it is consistent with your intent.

As you know, I had difficulty deciphering the exact intent of this draft. ✓ This draft is based upon the WLC draft and accompanying e-mail instructions as well as e-mail clarifications to those original instructions. To me, there is some tension between various components of these aggregated instructions. It is my understanding, based upon our communications, that the intent of this bill ^{e-draft} is to allow a person to obtain an "occupational license" based upon a physical placement order even if there is no "occupational need" demonstrated for the license. *

in which
If an occupational license is issued based only upon a physical placement order and not occupational need, is there any rationale for allowing up to 12 ✓ additional travel hours under this occupational license? Do you want to limit these additional travel hours to situations where the license is issued based upon occupational need but additional authority is provided to travel with respect to a physical placement order?

The term "church" appears more than 100 ✓ times in the statutes. Rather than replacing "church," I included additional language with this term. Is this okay or would you rather I substitute "place of religious worship" for "church"?

Please let me know if you would like any changes made to the attached draft or if you have any questions. As discussed, when we make any necessary changes and finalize the text of the bill, I will also add the LC prefatory note that you furnish me. *

e draft

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-3042/P1dn
ARG:jld:pg

August 27, 2007

ATTN: Scott Grosz

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As you know, I had difficulty deciphering the exact intent of this draft. This draft is based upon the WLC draft and accompanying e-mail instructions as well as e-mail clarifications to those original instructions. To me, there is some tension between various components of these aggregated instructions. It is my understanding, based upon our communications, that the intent of this draft is to allow a person to obtain an "occupational license" based upon a physical placement order even if there is no "occupational need" demonstrated for the license.

If an occupational license is issued based only upon a physical placement order and not occupational need, is there any rationale for allowing up to 12 additional travel hours under this occupational license? Do you want to limit these additional travel hours to situations in which the license is issued based upon occupational need but additional authority is provided to travel with respect to a physical placement order?

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Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.wisconsin.gov

Gary, Aaron

From: Grosz, Scott
Sent: Wednesday, November 28, 2007 12:31 PM
To: Gary, Aaron
Subject: Leg. Council Strengthening Families Committee

Attachments: Occupational License pref note for lrb.doc

Aaron,

Here is a pref. note for the occupational license bill draft, LRB-3042/P1.

Thanks for your help.

Scott



Occupational
License pref note...

11/26 voice mail from Scott Grosz
6-1307
wants a // - no changes

PRELIMINARY DRAFT – NOT READY FOR INTRODUCTION

1 AN ACT *to amend* 343.10 (1) (a) and (b), 343.10 (4) (b), 343.10 (5) (a) 1. and 343.10
2 (7) (e) of the statutes; **relating to:** motor vehicle occupational licenses issued
3 by the Department of Transportation.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Strengthening Wisconsin Families.

****NOTE: Text provided by LC will be inserted here to complete the JLC prefatory note.

4 SECTION 1. 343.10 (1) (a) and (b) of the statutes are amended to read:

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6 suspended under this chapter or s. 767.73, 938.34 (14q), 943.21 (3m), or 961.50 and

1 if the person is engaged in an occupation, including homemaking or full-time or
2 part-time study, or ~~a trade making~~ or is required to travel to comply with a physical
3 placement order under ch. 767 so that it is essential that he or she operate a motor
4 vehicle, the person, after payment of the fee provided in sub. (6), may file an
5 application with the department setting forth in detail the need for operating a motor
6 vehicle. No person may file more than one application with respect to each revocation
7 or suspension of the person's license or operating privilege under this chapter or s.
8 767.73, 938.34 (14q), 943.21 (3m), or 961.50, except that this limitation does not
9 apply to an application to amend an occupational license restriction.

10 (b) The application shall be in a form established by the department and shall
11 identify the specific motor vehicle that the applicant seeks authorization to operate,
12 including the vehicle classification and any required endorsements. The application
13 shall include an explanation of why operating the motor vehicle is essential to the
14 person's livelihood or to compliance with a physical placement order under ch. 767
15 and identify the person's occupation or trade or the relevant terms of the placement
16 order. The application shall identify the applicant's employer or the court issuing the
17 placement order, and include proof of financial responsibility as specified in s. 343.38
18 (1) (c) covering the vehicle or vehicles that the applicant requests authorization to
19 operate. The application shall identify the hours of operation and routes of travel
20 being requested by the applicant in accord with the restrictions of sub. (5).

21 **SECTION 2.** 343.10 (4) (b) of the statutes is amended to read:

22 343.10 **(4)** (b) If the court grants the petition, the court shall issue an order
23 authorizing the issuance of an occupational license to the person. The order for
24 issuance of an occupational license shall include definite restrictions as to hours of
25 the day, hours per week, type of occupation or relevant terms of a placement order.

1 and areas or routes of travel to be permitted under the license as provided in sub. (5).
2 A copy of the order shall be forwarded to the department. Upon receipt of the court
3 order, the petitioner shall be considered an applicant by the department for purposes
4 of this section. The occupational license issued by the department under this
5 paragraph shall contain the restrictions ordered by the court. If the court denies the
6 petition, the clerk of the court shall notify the department of the denial of the petition.

7 **SECTION 3.** 343.10 (5) (a) 1. of the statutes is amended to read:

8 343.10 (5) (a) 1. In addition to any restrictions appearing on the former
9 operator's license of the applicant, the occupational license shall contain definite
10 restrictions as to hours of the day, not to exceed 12, hours per week, not to exceed 60
11 except as provided in this subdivision, type of occupation or relevant terms of a
12 placement order, and areas or routes of travel which are permitted under the license.
13 The occupational license may permit travel to and from church or another place of
14 religious worship during specified hours if the travel does not exceed the restrictions
15 as to hours of the day and hours per week in this subdivision. If a person is required
16 to travel to comply with a physical placement order, the occupational license may
17 permit such travel for not more than 12 hours per week in addition to the maximum
18 of 60 hours per week otherwise applicable under this subdivision, but such travel
19 may not exceed the restriction as to hours of the day specified in this subdivision.
20 The occupational license may permit travel necessary to comply with a driver safety
21 plan ordered under s. 343.30 (1q) or 343.305 if the travel does not exceed the
22 restrictions as to hours of the day and hours per week in this subdivision. The
23 occupational license may contain restrictions on the use of alcohol and of controlled
24 substances and controlled substance analogs in violation of s. 961.41.

25 **SECTION 4.** 343.10 (7) (e) of the statutes is amended to read:

343.10 (7) (e) The occupational license issued by the department shall contain the restrictions required by sub. (5). The occupational license authorizes the licensee to operate a motor vehicle only when that operation is an essential part of the licensee's occupation or trade or is essential to the licensee's compliance with a physical placement order under ch. 767. If the department determines that the applicant is eligible under sub. (2), the department may impose such conditions and limitations upon the authorization to operate motor vehicles as in the secretary's judgment are necessary in the interest of public safety and welfare, including reexamination of the person's qualifications to operate a motor vehicle or a particular type thereof. The department may limit such authorization to include, without limitation, the operation of particular vehicles, particular kinds of operation and particular traffic conditions.

SECTION 5. Initial applicability.

(1) This act first applies to applications for occupational licenses received by the department of transportation on the effective date of this subsection.

SECTION 6. Effective date.

(1) This act takes effect on the first day of the 3rd month beginning after publication.

(END)



State of Wisconsin
2007 - 2008 LEGISLATURE

LRB-3042/P1

ARG:jld:pg

5007

in 11/28

KMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

SAV
X-ref ✓

Regen

- 1 AN ACT *to amend* 343.10 (1) (a) and (b), 343.10 (4) (b), 343.10 (5) (a) 1. and 343.10
2 (7) (e) of the statutes; **relating to:** motor vehicle occupational licenses issued
3 by the Department of Transportation.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the Joint Legislative Council in the bill.

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the Joint Legislative Council's Special Committee on Strengthening Wisconsin Families.

****NOTE: Text provided by LC will be inserted here to complete the JLC prefatory note.

- 4 SECTION 1. 343.10 (1) (a) and (b) of the statutes are amended to read:
5 343.10 (1) (a) If a person's license or operating privilege is revoked or
6 suspended under this chapter or s. 767.73, 938.34 (14q), 943.21 (3m), or 961.50 and

Insert
NOTE ✓

1 if the person is engaged in an occupation, including homemaking or full-time or
2 part-time study, or ~~a trade making~~ or is required to travel to comply with a physical
3 placement order under ch. 767 so that it is essential that he or she operate a motor
4 vehicle, the person, after payment of the fee provided in sub. (6), may file an
5 application with the department setting forth in detail the need for operating a motor
6 vehicle. No person may file more than one application with respect to each revocation
7 or suspension of the person's license or operating privilege under this chapter or s.
8 767.73, 938.34 (14q), 943.21 (3m), or 961.50, except that this limitation does not
9 apply to an application to amend an occupational license restriction.

10 (b) The application shall be in a form established by the department and shall
11 identify the specific motor vehicle that the applicant seeks authorization to operate,
12 including the vehicle classification and any required endorsements. The application
13 shall include an explanation of why operating the motor vehicle is essential to the
14 person's livelihood or to compliance with a physical placement order under ch. 767
15 and identify the person's occupation or trade or the relevant terms of the placement
16 order. The application shall identify the applicant's employer or the court issuing the
17 placement order, and include proof of financial responsibility as specified in s. 343.38

18 (1) (c) covering the vehicle or vehicles that the applicant requests authorization to
19 operate. The application shall identify the hours of operation and routes of travel
20 being requested by the applicant in accord with the restrictions of sub. (5).

21 **SECTION 2.** 343.10 (4) (b) of the statutes is amended to read:

22 343.10 (4) (b) If the court grants the petition, the court shall issue an order
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25 the day, hours per week, type of occupation or relevant terms of a placement order.

1 and areas or routes of travel to be permitted under the license as provided in sub. (5).
2 A copy of the order shall be forwarded to the department. Upon receipt of the court
3 order, the petitioner shall be considered an applicant by the department for purposes
4 of this section. The occupational license issued by the department under this
5 paragraph shall contain the restrictions ordered by the court. If the court denies the
6 petition, the clerk of the court shall notify the department of the denial of the petition.

7 **SECTION 3.** 343.10 (5) (a) 1. of the statutes is amended to read:

8 343.10 (5) (a) 1. In addition to any restrictions appearing on the former
9 operator's license of the applicant, the occupational license shall contain definite
10 restrictions as to hours of the day, not to exceed 12, hours per week, not to exceed 60
11 except as provided in this subdivision, type of occupation or relevant terms of a
12 placement order, and areas or routes of travel which are permitted under the license.

13 The occupational license may permit travel to and from church or another place of
14 religious worship during specified hours if the travel does not exceed the restrictions
15 as to hours of the day and hours per week in this subdivision. If a person is required
16 to travel to comply with a physical placement order, the occupational license may
17 permit such travel for not more than 12 hours per week in addition to the maximum
18 of 60 hours per week otherwise applicable under this subdivision, but such travel
19 may not exceed the restriction as to hours of the day specified in this subdivision.

20 The occupational license may permit travel necessary to comply with a driver safety
21 plan ordered under s. 343.30 (1q) or 343.305 if the travel does not exceed the
22 restrictions as to hours of the day and hours per week in this subdivision. The
23 occupational license may contain restrictions on the use of alcohol and of controlled
24 substances and controlled substance analogs in violation of s. 961.41.

25 **SECTION 4.** 343.10 (7) (e) of the statutes is amended to read:

343.10 (7) (e) The occupational license issued by the department shall contain the restrictions required by sub. (5). The occupational license authorizes the licensee to operate a motor vehicle only when that operation is an essential part of the licensee's occupation or trade or is essential to the licensee's compliance with a physical placement order under ch. 767. If the department determines that the applicant is eligible under sub. (2), the department may impose such conditions and limitations upon the authorization to operate motor vehicles as in the secretary's judgment are necessary in the interest of public safety and welfare, including reexamination of the person's qualifications to operate a motor vehicle or a particular type thereof. The department may limit such authorization to include, without limitation, the operation of particular vehicles, particular kinds of operation and particular traffic conditions.

SECTION 5. Initial applicability.

(1) This act first applies to applications for occupational licenses received by the department of transportation on the effective date of this subsection.

SECTION 6. Effective date.

(1) This act takes effect on the first day of the 3rd month beginning after publication.

(END)

Provided by Scott Grosz - 11/28 by e-mail

JOINT LEGISLATIVE COUNCIL PREFATORY NOTE: This bill was prepared for the joint legislative council's special committee on strengthening Wisconsin families.

ND
Under current law, certain persons whose operating privilege has been suspended or revoked may be eligible for an occupational license under s. 343.10, stats. Generally, an applicant must describe their occupational motor vehicle needs in order to be granted an occupational license. For purposes of occupational licenses, an "occupation" includes homemaking and full-time or part-time study. Certain restrictions accompany the issuance of an occupational license.

An occupational license must contain definite restrictions as to hours of the day, hours per week, and areas or routes of travel which are permitted under the license. An occupational license may not permit more than 12 hours of operation per day. An occupational license may not permit more than 60 hours of operation per week. An occupational license may permit travel to and from church and travel necessary to comply with a driver safety plan during specified hours of travel if the travel does not exceed the restrictions as to hours of the day and hours per week. Additional limitations of the occupational license relate to restrictions on the use of alcohol and controlled substances.

The bill authorizes the issuance of an occupational license that may permit travel necessary for a parent to comply with a physical placement order if the travel does not exceed the restrictions as to the hours of the day and hours per week. Additionally, the bill changes the hours per week restriction to allow not more than 12 hours per week in addition to the maximum of 60 hours per week if the additional hours are necessary to comply with a physical placement order. The bill also states that an occupational license may permit travel to and from a place of religious worship in addition to a church.

(end insert)

insert NOTE

Duerst, Christina

From: Grosz, Scott
Sent: Thursday, December 13, 2007 9:52 AM
To: LRB.Legal
Subject: Draft Review: LRB 07-3042/1 Topic: Occupational licenses

Please Jacket LRB 07-3042/1 for the ASSEMBLY.